

1 Remarks

2 Amendments to the claims

3 Claim 9 has been amended to include the limitation that, "the securing member
4 being further configured to be moveable to a second position in response to an
5 authorization command." (Emphasis added.) Support for this amendment is found in
6 the specification at least at page 13 lines 11-24. Claims 10 and 11 (which depend from
7 claim 9) have been similarly amended to recite the "authorization command" of (now-
8 amended) claim 9. Claim 16 has been amended to correct an antecedent basis problem
9 at line 9 ("a first position" was previously recited in line 7).
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11 Provisional Election of Single Invention

12 A restriction requirement has been imposed upon the Applicant under 35 U.S.C.
13 121. The Examiner has noted in the application five separate inventions as follows:
14 Invention I corresponding to claims 1-8; Invention II corresponding to claims 9-15;
15 Invention III corresponding to claims 16-20; Invention IV corresponding to claims 21-25;
16 and Invention V corresponding to claims 26-29;. Accordingly, the Applicant is required
17 to elect a single invention for prosecution at this time.

18 In response, the Applicants hereby provisionally elect Invention II, corresponding
19 to claims 9-15, for prosecution under 35 U.S.C. 121. However, this election provisional
20 is being with traverse. In the event that the restriction requirement, as set forth by the
21 Examiner, is overcome by the following traverse, the Applicants elect the invention
22 corresponding to claims 1-20.
23

24 (Continued on next page.)
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1 Traverse with respect to "Inventions I, II and III"

2 The Applicants contend that claims 1-8 of "Invention I", claims 9-15 (as amended)
3 of "Invention II", and claims 16-20 of "Invention III", are not separate inventions, but are
4 in fact one invention, and that and that restriction is therefore improper. Specifically:

5 The Examiner has stated that "Inventions I, II and III" are "distinct", and therefore
6 restriction is proper. MPEP § 802.01 defines "distinct" as follows: "The term 'distinct'
7 means that two or more subjects are related, . . . , but are capable of separate
8 manufacture, use or sale as claimed AND ARE PATENTBLE OVER EACH OTHER"
9 (Emphasis in original.) As stated in MPEP § 806.05, "Where two or more related
10 inventions are being claimed, the principle question to be determined in connection with
11 a requirement to restrict ... is whether or not the inventions are distinct. If they are
12 distinct, restriction may be proper. If they are not distinct, restriction is never proper."
13 (Emphasis added.)

14 The procedures for determining whether a combination and subcombination are
15 distinct are set forth in MPEP § 806.05(b) as follows: "In order to establish that
16 combination and subcombination inventions are distinct, two-way distinctiveness must
17 be demonstrated. [] The inventions are distinct if it can be shown that a combination as
18 claimed: (A) Does not require the particulars of the subcombination as claimed for
19 patentability (to show novelty and unobviousness), **and** (B) the subcombination can be
20 shown to have utility either by itself or in other and different relations." (Emphasis
21 added.) Accordingly, if the subcombination cannot be shown to have utility either by
22 itself or in other and different relations, then the combinations are not distinct, and
23 restriction is not proper.

24 Here, in independent claims 1, 9 and 16, the subcombination comprises:

- 25
- first and second connectors;

- a securing member configured to move between first and second positions, to arrest relative movement between the connectors in one of the positions, and allow relative movement between the connectors in the other position; and
- wherein movement of the securing member is in response to an authorization command.

The Applicants contend that this subcombination renders claims 1, 9 and 16 as being incapable of being distinct from one another, as the subcombination cannot be shown to have utility either by itself or in other and different relations.

Summary

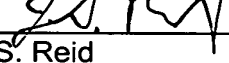
The Applicants believe that the election of a single invention as set forth herein above constitutes a full and complete response to the Office action. The Applicants pray that the Examiner will agree that, in light of the above arguments, the alleged "Inventions" set forth in claims 1, 9 and 16 are indeed not distinct, and will consider claims 1-20 as being a single invention.

The Examiner is respectfully requested to contact the below-signed representative if the Examiner believes this will facilitate prosecution toward allowance of the claims.

Respectfully submitted,

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